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Sec.	Twp.	Range

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

LIST ALL FOLIO #S: **SEE ATTACHED EXHIBIT "A"**

Date Received

1. **NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

CENTURY BUSINESS PARK, LLC

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: **7270 NW 12 STREET, SUITE 410**

City: **MIAMI** State: **FLORIDA** Zip: **33126** Phone#: **(305) 599-8100**

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): Mailing Address: **SAME AS ABOVE**

City: _____ State: _____ Zip: _____ Phone#: _____

4. **CONTACT PERSON'S INFORMATION:**

Name: **LEILA BATTIES, ESQ. / JUAN J. MAYOL, JR., ESQ.** Company: **HOLLAND & KNIGHT LLP**

Mailing Address: **701 BRICKELL AVENUE, SUITE 3000**

City: **MIAMI** State: **FLORIDA** Zip: **33131**

Phone#: **305-789-7626** Fax#: **305-789-7799** E-mail: **leila.batties@hklaw.com**

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets as needed. In addition to paper version it is requested that lengthy metes and bounds description be provided on disquette or compact disc in Microsoft Word or compatible software.)

SEE ATTACHED EXHIBIT "B"

6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

B/W SW 152 AVENUE AND SW 157 AVENUE AND FROM SW 116 STREET TO SW 130 STREET

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RESPONSIBILITIES OF THE APPLICANT

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

I AM AWARE THAT:

BY

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.

2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.

3. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.

4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.

5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.

6. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

CENTURY BUSINESS PARK, LLC

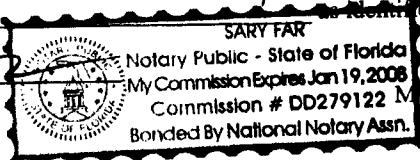
(Applicant's Signature)

SERGIO PINO

(Print Name)

Sworn to and subscribed before me this 25 day of July, 2005. Affiant is personally known to me or has produced Identification.

Sary Far
(Notary Public)



7. SIZE OF PROPERTY _____ ' x _____ ' (in acres): 67.8
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☒ acquired ☐ leased: 1/2005 9. Lease term: _____ years
(month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S),
provide complete legal description of said contiguous property. (See notes related to item 5.)

N/A

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?
☒ no ☐ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: GU & IU-C

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

☒ District Boundary Changes (DBC) [Zone class requested]: BU-1A

☐ Unusual Use: _____

☐ Use Variance: _____

☐ Non-use Variance: _____

☐ Alternative Site Development: _____

☐ Special Exception: _____

☐ Modification of previous resolution/plan: _____

☐ Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application as a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the
violation notice was served: _____ and describe the violation:

16. Describe structures on the property: _____

17. Is there any existing use on the property? ☒ no ☐ yes. If yes, what use and when established?

Use: _____ Year: _____

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APPLICANT'S AFFIDAVIT
(SELECT APPROPRIATE AFFIDAVIT AND NOTARIZE BELOW) HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (1)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

(see notary below) _____

CORPORATION AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

NEWFOREST LANDSCAPING, INC.

Attest: _____

Authorized Signature

(Corp. Seal)

Office Held

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

(Name of Partnership)

By _____ %

By _____ %

By _____ %

By _____ %

ATTORNEY AFFIDAVIT

I, LEILA BATTIES, ESQ., being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

LEILA BATTIES

Sworn to and subscribed to be me
this 26 day of July, 2005

Notary Public:
Commission Expires:



OWNERSHIP AFFIDAVIT
FOR
CORPORATION

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY
Public Hearing No. 04-185

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STATE OF FLORIDA

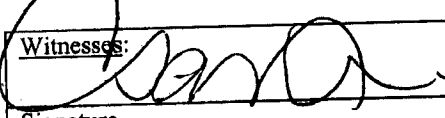
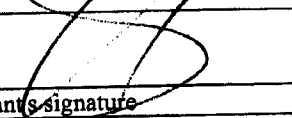
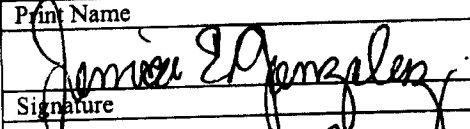
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared SERGIO PINO, hereinafter the Affiant(s), who being duly sworn by me, on oath, deposes and says:

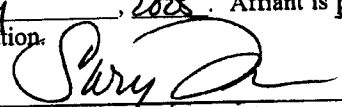
1. Affiant is the MANAGING MEMBER of the CENTURY BUSINESS PARK, LLC, with the following address: 7270 NW 12 STREET, SUITE 410, MIAMI, FL 33126
2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as:

SEE ATTACHED EXHIBIT "B"

4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:		
		
Signature		Affiant's signature
<u>SERGIO PINO</u>		SERGIO PINO
Print Name		Print Name
		
Signature		
<u>Jessica E. Gomez</u>		
Print Name		

Sworn to and subscribed before me on the 22 day of July, 2005. Affiant is personally known to me or has produced _____ as identification.


Notary Public-State of FLORIDA

My Commission Expires: 01/19/08



DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: **CENTURY BUSINESS PARK, LLC**

NAME AND ADDRESS	Percentage of Stock
SEE ATTACHED EXHIBIT "A"	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

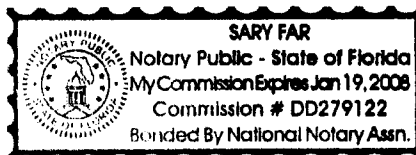
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____

Sworn to and subscribed before me this 22 day of July, 2005 Affiant is personally known to me or has produced _____ as identification.

(Notary Public)



My commission expires 1/19/08

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interests which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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Exhibit "A" to Disclosure of Interest Form

<u>Name of Member</u>	<u>Address of Member</u>	<u>Percentage Interest of Member</u>
Sergio Pino and Tatiana Pino	7270 NW 12 th St., Suite 410, Miami, Florida 33126	41.25%
Rodney Barreto and Shelia Barreto	235 Catalonia Avenue, Coral Gables, Florida 33134	41.25%
Ramon Rasco and Ana L. Rasco	283 Catalonia Avenue, 2 nd Floor, Coral Gables, Florida 33134	7.5%
Brian May and Jenny May	235 Catalonia Avenue, Coral Gables, Florida 33134	5%
Jorge Vigil and Cecilia Ruiz	283 Catalonia Avenue, 2 nd Floor, Coral Gables, Florida 33134	2.5%
Ramon A. Rasco	9375 Balada Street, Coral Gables, Florida 33156	1.0%
Richard Rasco	9375 Balada Street, Coral Gables, Florida 33156	1.0%
Cristina Rasco	9375 Balada Street, Coral Gables, Florida 33156	.5%

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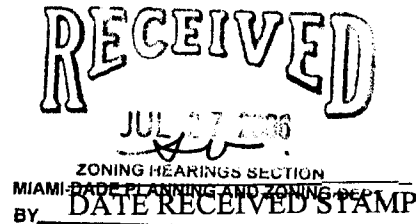
**PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS**

CHECKED BY _____ AMOUNT OF FEE \$ _____

RECEIPT # _____

DATE HEARD: 07/06/06

BY CZAB # 11



This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z05-274 (06-7-CZ11-1)

Filed in the name of (Applicant) Century Business Park LLC,

Name of Appellant, if other than applicant: Director Department of Planning & Zoning

Address/Location of APPELLANT'S: 111 NW 1st St., 11th floor, Miami, Fla. 33128

Application, or part of Application being Appealed (Explanation) Entire application

Appellant (name): Director Department of Planning & Zoning
hereby respectfully appeals the decision of the Miami-Dade County Community Zoning Appeals Board-11 with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language).

1. The Community Zoning Appeals Board-11 decision is inconsistent with the Miami Dade County Comprehensive Development Master Plan
2. The Community Zoning Appeals Board-11 decision is incompatible with Aviation activity or safety.

APPELLANT MUST SIGN THIS PAGE

Date: _____ day of _____, year: _____

Signed *Diane O'Quinn Williams*

Diane O'Quinn Williams
Print Name

111 NW 1st. Street, 11th Floor
Mailing Address

(305) 375-2117 (305) 375-4975
Phone Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Representing

Signature

Print Name

Address

City State Zip

Telephone Number

Subscribed and Sworn to before me on the 27th day of July, year 2006

Nubia Jarquin
Notary Public
Nubia Jarquin
(stamp/seal)

Commission expires:

